

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Regular Second Appeal No.2003 of 1998

Date of decision: March 16, 2007.

**Khazan Singh, Ex-Constable**

**.....Appellant.**

Vs.

**Punjab State and another**

**.....Respondents.**

Present: Mr.Sarabjeet Khaira, Advocate for appellant.  
Mr.S.K.Bhanot, Sr.DAG, Punjab.

JUDGMENT

**M.M.Aggarwal, J.**

Plaintiff now appellant, who was a Constable in the Police Department of Punjab State, had filed suit challenging order dated 21.2.1985 of the respondents-State vide which his services had been terminated. That suit was decreed by the Court of Sub Judge Ist Class, Gurdaspur vide judgment dated 2.4.1986. However, the appeal filed by the State had been accepted and suit of the plaintiff now appellant had been dismissed.

The law point involved in this appeal is - whether order of punishment of removal from service amounts to double jeopardy.

Counsel for the appellant had argued that plaintiff had joined

service on 30.11.1982. He had put in 23 years of service. That every time he committed defaults, he had been separately punished and as such impugned order of removal amounts to double jeopardy.

It comes out that Superintendent of Police had passed this order after taking into account the provisions of Punjab Police Rules 16.25(2). It also comes out that earlier four times the appellant had been punished. He had remained on leave without permission w.e.f. 5.9.1970 to 9.9.1970, 20.5.1972 to 21.5.1972 and 4.4.1983 to 5.4.1983. Earlier in the year 1965 he was awarded 15 days punishment drill for remaining absent from Base Workshop Pathankot for 14 hours. That on 20.12.1968 two years approved service of the appellant was forfeited with permanent effect. He was also charged for having taken liquor while on duty. He was censured in the year 1974 for beating one Surinder Kumar under the influence of liquor. In 1977 while posted at P.S.City Pathankot, his one year service with permanent effect w.e.f.17.6.1977 was forfeited.

It is under these circumstances that the Superintendent of Police had taken recourse to Rule 16.25(2) and had issued show cause notice and after taking into account the antecedents of the plaintiff, had come to the conclusion that cumulative effect of earlier lapses and punishment inflicted was that the plaintiff-appellant was a dead wood and, therefore, the order had been made.

The judgment relied on by counsel for the petitioner in the case reported as **Dr.P.Kumari Vs. The State of Punjab and another 1982 (1) SLR 241** does not apply to the facts of the case.

Plaintiff was a member of the disciplined force. His genuine

behavior had been unfit to his position and he did not maintain reasonable standard of efficiency which will be very clear from the punishments already inflicted and, therefore, order made cannot be said to be, in any way, violative of the rules or leading to double jeopardy.

Under these circumstances, there is no merit in this appeal and the same is dismissed.

**March 16, 2007**  
raghav

**(M.M.Aggarwal)**  
**Judge**